

PATENT COOPERATION TREATY

PCT/PTO

18 FEB 2005

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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NOV 02 2004

TO BE REVIEWED
BY ATTORNEY

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

29.10.2004

Applicant's or agent's file reference
AD6926PCT

IMPORTANT NOTIFICATION

International application No.
PCT/US 03/34736

International filing date (day/month/year)
29.10.2003

Priority date (day/month/year)
29.10.2002

Applicant

E.I. DU PONT DE NEMOURS AND COMPANY et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

EEL NOTED

29 April 2005

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference AD6926PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US 03/4736	International filing date (<i>day/month/year</i>) 29.10.2003	Priority date (<i>day/month/year</i>) 29.10.2002
International Patent Classification (IPC) or both national classification and IPC B32B17/10		
Applicant E.I. DU PONT DE NEMOURS AND COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 21.05.2004	Date of completion of this report 29.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Lindner, T Telephone No. +49 89 2399-8976 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US 03/4736

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-26 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 03/34736**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6,13,20
	No: Claims	1-5,7-12,14-19,21-26
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-3,434,915
D2: US-A-4,293,615
D3: DE 199 38 159 A1
D4: EP 1 281 690 A1 & WO 01/064598 (D4a)

D4 is not pre-published (cf. Rule 64.3 and 70.10 PCT) but claims the priority of D4a which satisfies the conditions of Art. 33 PCT.

Assuming that the respective disclosure is equivalent, reference will be made to D4a via D4 hereinafter.

2. The international application concerns a poly(vinyl butyral) (PVB) interlayer the PVB of which has a hydroxyl number of from about 17 to about 23 and contains a single plasticizer in an amount of from about 40 to about 50 pph.

The term "hydroxyl number" is understood to refer to the weight percentage of vinyl alcohol units in the PVB such as defined in ASTM D1396.

The object of the invention is to provide an interlayer for sound attenuating glazings in vehicles and for architectural purposes at or in buildings.

Art. 33(2) and (3) PCT

- 3.1 D1 and D2 are assigned to the Applicants and were filed without paying attention to sound deadening properties of a glazing interlayer.

The hydroxyl number of the PVB however falls within the presently claimed range and an amount of from 45 to 50 pph of plasticizer as disclosed in D2 and of about 45 pph as disclosed in D1 satisfies the conditions for the amount of plasticizer required by the present claims.

It is observed that D1 focuses on triethylene glycol di-(2-ethyl butyrate) (3GH) as

the plasticizer and that the propylene oxide oligomers disclosed in D2 are outside the scope of present dependent claims 4 to 6 and the corresponding dependent claims 11 to 13 and 18 to 20, whereas 3GH satisfies the requirements of the enumerated dependent claims except for the fact that it is not 3GO.

- 3.2 For a person skilled in the art of glazings, it is apparent that noise attenuating glazings not only find use for motor vehicles, trains or aeroplanes, but are also useful for architectural purposes.

Therefore, the subject-matter of present claims 8 to 26 is obvious once the teaching of the particular composition of the interlayer is available.

The description already acknowledges the teaching of D3, wherein a blend of plasticisers is used in order to remove the coincidence in the frequency range of from 1,000 to 2,500 Hz which is a typical range within which laminated glazing transmit vibrations.

The result achieved in present Example 1 would appear to not excel over the result obtained in D3, contrary what is promised in the title of the present application.

- 3.3 One could accept that it is easier to use one plasticizer only. However, it is not apparent from the specification which plasticizer gives the best benefit.

This conclusion is derived from comparison of the paragraph in lines 21 to 27 at page 3 and dependent claim 7.

Whereas according to the description 4G7 is the preferred plasticizer, which fact also emanates from Examples 1 to 4, dependent claim 7 (and the corresponding claims which depend on claims 8 and 15) point out 3GO to be the preferred plasticizer, which however was only used in the Comparative Example of the specification (cf. p.8, ll.19-25).

- 3.4 The hydroxyl number alone is not decisive.

Sound deadening is also influenced by the degree of saponification as can be learnt from D4.

Table 3 at page 20 of D4 demonstrates the influence of residual acetate content in layer (B).

Layer (A) comprises a PVB resin which was butyralised to 68.9 mol% and which

comprises 0.9 mol% residual acetate groups (cf. Example 10, lines 5 and 6 at the top of page 17).

Taking into account that a molar percentage of the remaining free vinyl alcohol groups is higher than the percentage by weight which determines the hydroxyl number, the corresponding figures in weight-% can be computed.

Starting from a molar percentage of 30.2 of vinyl alcohol groups, the result is 22.9 wt.-%, corresponding to a hydroxyl number which falls within the ambit of present claim 1.

- 4.1 Summing up, the invention does not provide a better result than the closest state of prior art and what is claimed does not correspond to what is disclosed in the description (deficiency under **Art. 6 PCT**).
- 4.2 The subject-matter of the claims is obvious (**Article 33(3) PCT**).
- 4.3 The description only partially reflects the most pertinent state of prior art (**Rule 5.1(a) (ii) PCT**).



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Datum/Date

29-10-2004

Zeichen/Ref./Réf.

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°

03705702.3-2221

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Hewlett-Packard Company

Notification of the data mentioned in Article 128(5) EPC
pursuant to Rule 17(3) EPC

In the above-identified patent application you are designated as
inventor/co-inventor.

Pursuant to Rule 17(3) EPC the data as mentioned in Article 128(5) EPC
are notified herewith:

DATE OF FILING : 09.01.03

PRIORITY : US/18.01.02/US 51263

TITLE : ELECTRONIC COMMERCE SYSTEM INCLUDING CUSTOMIZED CATALOG
HAVING ENCODED INFORMATION

DESIGNATED STATES: AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU

IE IT LI LU MC

NL SE SI SK TR PT

RECEIVING SECTION

